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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DOUGLAS A. DOWSON,

Defendant and Appellant.

D047827

(Super. Ct. No. SCD189855)

APPEAL from a judgment of the Superior Court of San Diego County, Kerry Wells, Judge. Affirmed.

After the court denied a motion to suppress evidence (Pen. Code, § 1538.5), Douglas A. Dowson entered a negotiated guilty plea to sodomy of an intoxicated person (Pen. Code, § 286, subd. (i)). He waived appeal from denial of the motion to suppress evidence and gave a *Harvey* waiver (*People v. Harvey* (1979) 25 Cal.3d 754.) The court

sentenced him to prison for the three-year lower term. The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 30(b).)

## DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible but not arguable issue whether the trial court erred in denying probation.<sup>1</sup>

We granted Dowson permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Dowson on this appeal.

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<sup>1</sup> Because Dowson entered a guilty plea, he cannot challenge the facts underlying the conviction. (Pen. Code, § 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

DISPOSITION

The judgment is affirmed.

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AARON, J.

WE CONCUR:

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O'ROURKE, Acting P. J.

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IRION, J.